

# Burundi

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## Overview:

Political violence and extrajudicial killings were less prevalent in Burundi in 2013 compared with their 2010–11 peak. Nevertheless, there were reports of violence and intimidation against civil society and opposition members perpetrated by Imbonerakure, the youth wing of the ruling National Council for the Defense of Democracy (CNDD). Tensions between rival political parties also began to rise as the country prepared for the 2015 general elections.

In January 2013, Burundi underwent its Universal Periodic Review (UPR) by the United Nations Human Rights Council (UNHRC), which provided 174 recommendations. More than 25 recommendations related specifically to concerns about freedoms of expression, association, and assembly. Restrictions on press freedom increased in 2013, including through a widely criticized media law that was signed in June. Just weeks after the new law went into effect, a journalist was arrested for allegedly breaching state security and was held in a secret prison by intelligence services.

## Political Rights and Civil Liberties:

**Political Rights:** 12 / 40 [ [Key](#) ]

### A. Electoral Process: 4 / 12

A new constitution was adopted in 2005 after a series of agreements ended Burundi's 12-year civil war, which began with the 1993 assassination of a newly elected Hutu president and ultimately killed more than 300,000 people. Under the charter, the president, who is elected to a five-year term, appoints two vice presidents, one Tutsi and one Hutu, and they must be approved separately by a two-thirds majority in both the lower and upper houses of Parliament. While the lower house—the 100-seat National Assembly—is directly elected for a five-year term by proportional representation, locally elected officials choose members of the Senate, also for five-year terms. Each of Burundi's 17 provinces chooses two senators—one Tutsi and one Hutu. Carefully crafted constitutional arrangements require the National Assembly to be no more than 60 percent Hutu and no less than 40 percent Tutsi, with three additional deputies from the Twa ethnic minority, which is also allocated three senators. In both houses, a minimum of 30 percent of the legislators must be women.

Local elections in May 2010 were beset with electoral irregularities and repression, including serious government restrictions on freedom of movement for opposition leaders, the arrest of dozens of opposition activists, and a ban on all opposition party meetings. In response, most opposition parties boycotted the presidential and parliamentary polls that June and July. As a result, the ruling CNDD—a largely Hutu party associated with a former rebel group—captured 81 percent of the vote for the lower house, followed by the opposition Unity for National Progress (UPRONA) with almost 12 percent and the CNDD-allied Front for Democracy in Burundi (FRODEBU) with nearly 6 percent. In the Senate, the CNDD took 32 seats, leaving UPRONA with 2. Incumbent president Pierre Nkurunziza of the CNDD was reelected with some 92 percent of the vote.

According to opposition parties and human rights organizations, the ostensibly independent election commission failed to adequately investigate allegations of preelectoral violence and release some individual polling-place results. Political rifts and violence in 2010 were mainly between rival Hutu groups, rather than between Hutu and Tutsi as in the past. Political polarization increased, and several leading opposition figures—including Agathon Rwasa, leader of the political party and former rebel group National Liberation Forces (FNL)—fled the country, fearing for their safety.

In preparation for the 2015 elections, the National Assembly and Senate approved a new electoral commission in December 2012, but an alliance of 10 opposition parties rejected the panel due to the reappointment of the commission's chairman and communications head. In March 2013, the ruling party and opposition met during a UN-backed electoral workshop and agreed on a roadmap for the 2015 polls as well as the adoption of an electoral code by December, though the code was still pending at year's end. Nevertheless, Nkurunziza indicated that he might run for president, defying the two-term limit set by the constitution. The CNDD argued that Nkurunziza's first term did not count toward the two-term limit, since in 2005 he had been chosen unopposed by a newly elected Parliament as part of the peace accords, rather than directly elected as in 2010.

## **B. Political Pluralism and Participation: 6 / 16**

There are more than two dozen active political parties in Burundi, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu views. Most are small in terms of membership, and many Tutsi have now joined formerly Hutu-dominated parties. The current government, appointed in September 2010, consists of members from the three political parties represented in Parliament: the largely Hutu CNDD, the country's largest party; the mainly Tutsi-led UPRONA; and FRODEBU. Many political parties include youth groups that intimidate and attack opponents.

A few opposition leaders who fled Burundi after the polarizing 2010 elections returned from exile or announced plans to return in 2013, reportedly to prepare for the 2015 elections. Nevertheless, repression against opposition voices persisted. Rwasa, who returned to Burundi in August 2013, was subsequently prevented from addressing his supporters at a public rally, and in September the public prosecutor launched an investigation against him for his alleged role in the massacre of some 160 Congolese refugees in 2004. Opposition parties regard these events as politically motivated attempts to undermine Rwasa's presidential ambitions.

There were fewer incidents of political violence between the ruling and opposition parties in 2013 than during the peak of violence in 2010–11, though clashes between supporters of rival parties increased during the year as tensions began to rise ahead of the 2015 elections. There were also reports of increasing violence and intimidation against civil society and opposition members by Imbonerakure. Impunity has been the norm for the majority of political violence and extrajudicial killings in recent years.

## **C. Functioning of Government: 2 / 12**

Corruption remains a significant problem. Burundi was ranked 157 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. In July 2012, prominent antigraft activist Faustin Ndikumana was convicted under an anticorruption law and sentenced to five years in prison for making "false declarations" in his reporting on bribes that judges were allegedly forced to pay for their appointments. In May 2012, 14 people were convicted for the April 2009 assassination of the deputy head of Burundi's largest anticorruption organization, the Anticorruption and Economic

Malpractice Observatory, despite concerns that the investigation had targeted the wrong suspects and exonerated police and military officers who were known to have been involved. The jail sentences ranged from 10 years to life imprisonment.

Civil Liberties: 22 / 60

#### **D. Freedom of Expression and Belief: 8 / 16**

Freedom of speech is legally guaranteed, but press laws restrict journalists through broad, vaguely written provisions. In June 2013, the president signed a new media law that was widely criticized for violating the constitutional right to free expression. The law limits the protection of journalistic sources, requires journalists to meet certain educational and professional standards, and bans the publication of stories related to national defense, security, public safety, and the state currency. The law also provides the media regulatory body with the power to issue or withdraw press cards in defamation cases. The legislation removed the penalty of imprisonment for offenses like defamation, but replaced it with crippling fines of between \$2,000 and \$6,000. The sums are more than the annual salaries of many Burundian journalists.

Radio is the primary source of information for the majority of the population. The media are dominated by the government, which owns the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. There are several private broadcast media outlets, though most have a limited range. The British Broadcasting Corporation, Radio France Internationale, and Voice of America are available via FM transmissions in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels. Access to the internet remains largely confined to urban areas.

Despite the recent emergence of a more pluralistic press, journalists have been arbitrarily arrested, harassed, or threatened on numerous occasions. Hassan Ruvakuki, a reporter for Radio France Internationale who had been sentenced to life in prison in 2012 on dubious charges of involvement in a 2011 rebel attack, was granted a conditional release in 2013 after he agreed to withdraw an appeal of his conviction. In June 2013, shortly after the promulgation of the new media law, intelligence services arrested Lucien Rukevya, a journalist and producer for the state-run National Radio and Television of Burundi, for his alleged involvement with M23 rebels in the Democratic Republic of the Congo. Accused of breaching state security, he was held in a secret prison for the first 24 hours of his detention and eventually released after 10 days. Two other journalists from a private radio station were subsequently summoned by the police for questioning.

While journalists have been increasingly willing to convey criticism of the government, they continue to engage in self-censorship and are sometimes censored by authorities. In May 2013, the media regulator ordered the Iwacu press group to suspend the posting of comments on its web forum for 30 days for failing to moderate comments that allegedly disturbed national unity and incited ethnic hatred.

Freedom of religion is generally observed, though in March 2013 police launched a brutal assault on a large crowd of adherents of a local spiritual movement who were making a monthly pilgrimage to Businde. The officers killed nine people and beat numerous others. Members of the same movement have been arbitrarily arrested and denied due process on other occasions since late 2012.

For many years, civil strife and Tutsi social and institutional dominance had impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved since 2005.

#### **E. Associational and Organizational Rights: 4 / 12**

The constitution provides for freedoms of assembly and association, though onerous and costly registration requirements prevent many local nongovernmental organizations (NGOs) from receiving official legal recognition. Registration must be completed in person at the Ministry of Interior in Bujumbura, which is difficult for many in remote areas to reach, and extensive documentation is required.

Constitutional protections for organized labor are in place, and the right to strike is guaranteed by the labor code. The Confederation of Burundi Trade Unions has been independent since its establishment in 1995. Most union members are civil servants and have bargained collectively with the government.

There is modest but important civil society activity with a focus on human rights. In June 2011, members of the newly created National Independent Human Rights Commission were sworn in, and a 2012 assessment by Human Rights Watch found that the commission had so far been able to investigate politically sensitive cases and operate independently. In 2013, the commission led a consultation process that assessed threats against Burundian human rights defenders (HRDs), with the aim of drafting a law to support the protection of HRDs. Members of human rights groups that criticize the authorities are often subject to intimidation, threats, or surveillance, and bans on opposition organizations have been common during periods leading up to national elections. In 2013, opposition groups were prevented from holding public meetings, and some peaceful demonstrations were violently dispersed, such as a February rally held in support of Ruvakuki, the imprisoned journalist.

#### **F. Rule of Law: 4 / 16**

Burundi's judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. In December 2012, a new draft law for the creation of a truth and reconciliation commission (TRC) to provide accountability for past abuses was submitted to Parliament, though an independent analysis of the draft found that the presidentially appointed body would lack independence. The pending TRC would also allow amnesty to be granted for crimes under international law, and there are concerns that the body could be used as a political tool to selectively punish the opposition, especially in the lead-up to the 2015 elections. The law had yet to be adopted at the end of 2013.

Crimes, especially those related to political violence, often go unreported or uninvestigated. An unusually large number of extrajudicial executions have been reported in recent years, though there were fewer in 2013 than in 2010–12. According to Transparency International's 2013 Global Corruption Barometer, 82 percent of Burundians surveyed feel that the police are either corrupt or extremely corrupt. Prisons are overcrowded, unhygienic, and at times life-threatening.

Impunity for police brutality remains widespread. In March 2013, a police officer shot journalist Patrick Niyonkuru without warning for seeking information about a police roadblock in Bujumbura. In a rare occurrence, the government reacted to the shooting swiftly, bringing the officer to trial; he was sentenced to 15 years in prison.

Albinos face a particular threat from discrimination and violence. An albino girl was kidnapped and killed in May 2012; several suspects were arrested, and a verdict in their trial was pending at the end of 2013.

#### **G. Personal Autonomy and Individual Rights: 6 / 16**

The constitution provides for freedom of movement, though citizens are restricted from traveling outside their communities without a special permit on Saturday mornings as part of a government effort to encourage participation in local service projects.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. The 2009 penal code criminalizes gay and lesbian sexual activity, and punishments include up to two years in prison.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

[\*\*Full Methodology\*\*](#)